

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re: Tribune Media Company, et al. :

KEITH YOUNGE, :

Appellant, :

v. :

TRIBUNE MEDIA COMPANY. :

C. A. No. 16-225-GMS  
Bankruptcy Case No. 08-13141 (KJC)  
BAP No. 16-14

Appellee. :

**RECOMMENDATION**

At Wilmington this 2<sup>nd</sup> day of **May, 2016**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. The court reviewed the joint submission of the parties in which Appellant claims that he has been racially harassed and discriminated against during his employment at the Debtor's (Appellee) facility in Pennsylvania. Appellant argues no serious settlement offers have been offered to date. Appellant desires mediation. Appellee points out that the matter has been pending for over two and a half years and

contends that offers in potential settlement of the Claim Objection with present and former counsel has been extended, and therefore believe future settlement efforts would be futile. The court has also reviewed the Bankruptcy Court's decision sustaining the objection to claim of Appellant which contained a very thorough analysis of the law and the facts. As a result, the court recommends that the matter be removed from mandatory mediation.

Appellee proposes the following briefing schedule:

Appellee's designation of additional items to be included in the record	April 29, 2016
Appellant's opening brief	May 27, 2016
Appellee's brief	June 17, 2016
Appellant's reply brief	July 1, 2016

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Through this Recommendation, the parties are advised of their right to file objections pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE